

Docket No. 244697US77CONT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: C. Edgar COOK, et al.

SERIAL NO: 10/699,885

GAU: 1616

FILED: November 4, 2003

EXAMINER: B.P. BADIO

FOR: ANDROGENIC STEROID COMPOUNDS AND A METHOD OF MAKING AND USING THE SAME

## TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes the undersigned J. Derek Mason, Attorney of Record in the present application, who avers as follows:

RESEARCH TRIANGLE INSTITUTE is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 9137, frame(s) 0480.

RESEARCH TRIANGLE INSTITUTE hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent Nos. 6,670,352, 6,369,047, and 5,952,319, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Nos. 6,670,352, 6,369,047, and 5,952,319, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

RESEARCH TRIANGLE INSTITUTE does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent Nos. 6,670,352, 6,369,047, and 5,952,319 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title

09/16/2004 10:16:58 AM 00000002 10699885

01 FC:1814

110.00 0P

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

9/16/04

Date Signed



J. Derek Mason

Registration No. 35,270

Customer Number

22850

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)